

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, MAY 26, 1998  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:16 a.m. The meeting was recessed by Mayor Golding at 11:09 a.m. to convene the Housing Authority. The meeting was reconvened by Mayor Golding at 11:12 a.m. with all Councilmembers present. The meeting was recessed by Mayor Golding at 12:04 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Golding at 2:12 p.m. with all Councilmembers present. Mayor Golding adjourned the meeting at 4:07 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
  - (1) Council Member Mathis-present
  - (2) Council Member Wear-present
  - (3) Council Member Kehoe-present
  - (4) Council Member Stevens-present
  - (5) Council Member Warden-present
  - (6) Council Member Stallings-present
  - (7) Council Member McCarty-present
  - (8) Council Member Vargas-present
- Clerk-Abdelnour (lw/ms)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

ITEM-10: INVOCATION

Invocation was given by Reverend Stephen Cole of  
the San Diego New Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member  
Vargas.

PUBLIC COMMENT:

ITEM-PC-1:

Joseph Fox thanked the Mayor's Office for the quick response after addressing the Council. He feels there is representation for the first time in this city's government.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A033-038.)

ITEM-PC-2: REFERRED TO THE CITY MANAGER

Richard Pearson came before Council for help because his property is continually getting flooded after the problem was supposed to have been fixed. Before buying the property, he was assured by staff that the problem had been fixed. The Mayor had Mr. Pearson meet with one of her staff members and a member of the City Manager's staff. Deputy Mayor Wear recently inspected Mr. Pearson's property and has sent a memo to all Councilmembers requesting that this be heard in Closed Session.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A039-071.)

ITEM-PC-3:

Mel Shapiro came before Council to talk about transient occupancy tax funds and requested the Mayor and Deputy

Mayor Wear to correct their statements from the previous meeting. Mayor Golding informed Mr. Shapiro that her statement was correct and that the Council makes the decision on how the tax will be expended during the general budget process each year.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A072-099.)

COUNCIL COMMENT:

ITEM-CC-1:

Deputy Mayor Wear commented on the protestors out at Camp Nimitz. He said San Diego is not planning to put any homeless facilities at the Naval Training Center. The Council committed to a \$7.5 million transitional housing program for the homeless in other locations which includes \$1.8 million to Vietnam Vets; over \$1 million to St. Vincent De Paul, San Diego Community Youth and Community Services, and Catholic Charities. This Council, as part of the budget, already allocated some of his community block grant dollars to that project. He said they are committed to that program and will meet an additional 212 transitional beds in the next 5 to 6 years as dollars become available. Mayor Golding added that anyone trying to obtain shelter, food, medical or mental health services should call the info line at 230-0997. This info line will tell people where beds are available. She said there are more than two dozen shelters around the county and six are located in the downtown area.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A108-135.)

ITEM-CC-2:

Council Member Stallings wanted to mention the kick-off in Mission Valley for the Mission Valley Preserve. This is 25 acres set aside as a preserve. About 30 to 40 people came out to help clean up, and also to take a nature hike. She said this is an environmentally sensitive and beautiful area which is being restored with native plants. Also, on May 29 at 2:00 p.m. there will be a dedication of a new Padres Park for the Little Leagues in her district and she invited everyone to attend.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A139-170.)

ITEM-CC-3:

Council Member Stevens reminded everyone that June 2, 1998, is the primary election that will be held throughout the State, County, and the City of San Diego. He said it is very important that people go and vote. It is a right that many people fought and died for. He hopes that the residents of San Diego will not miss this opportunity. He also said to support Proposition A.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A172-183.)

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

5/4/98

5/4/98 Special Joint Meeting

5/5/98

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A100-106.)

MOTION BY WARDEN TO APPROVE. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-31:

SUBJECT: Association Week.

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-98-898) ADOPTED AS RESOLUTION R-290131

Proclaiming the week of June 1 through 7, 1998 to be "Association Week" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A347-355.)

MOTION BY WARDEN TO ADOPT ITEMS 31, 32, 33, AND 35. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-32:

SUBJECT: National Trails Day.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1303) ADOPTED AS RESOLUTION R-290132

Recognizing National Trails Day, and further recognizing the City of San Diego Park and Recreation Department, the San Diego Natural History Museum, Adventure 16, San Diego County Department of Parks and Recreation, the San Diego County Parks Society, and numerous volunteers of the City of San Diego Park and Recreation Department, Park Rangers and volunteers for their organizing a county-wide celebration of trails;

Proclaiming June 6, 1998 to be "National Trails Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A240-296; A347-355.)

MOTION BY WARDEN TO ADOPT ITEMS 31, 32, 33, AND 35. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-33:

SUBJECT: Commending Jolaine Harris.

COUNCILMEMBERS McCARTY AND STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1097) ADOPTED AS RESOLUTION R-290133

Commending Jolaine Harris for her never ending spirit  
of community involvement and making the City of San  
Diego a better place to live.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A297-355.)

MOTION BY WARDEN TO ADOPT ITEMS 31, 32, 33, AND 35. Second  
by Stallings. Passed by the following vote: Mathis-yea,  
Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-34: GRANTED REQUEST FOR HEARING OF APPEAL

SUBJECT: Request by John Lett, for a hearing of an appeal from  
the decision of the Board of Zoning Appeals in denying  
a request for a variance in the Mira Mesa Community  
Plan Area (Major Pharmaceutical).

(VARIANCE/C-21524/96001510-P-1. Mira Mesa Plan Area.  
District-5.)



TODAY'S ACTION IS:

A motion either granting or denying the request for a hearing of the appeal.

SUPPORTING INFORMATION:

The appeal is being requested to consider the denial of a variance to enclose an existing loading dock area that will observe a 4'-0" interior side yard where 19'-11" interior side yard is required on Lot 24, Miralani Business Park Unit No. 1, Map-9503, located at 8330 Arjons Drive, which intersects with Miralani Drive in the M1B Zone, in the Mira Mesa Community Planning Area, Council District 5.

The Zoning Administrator recommended denial of the Variance; no opposition.

The Board of Zoning Appeals made a motion to approve the variance; however this motion failed by a vote of 2 to 1. Since the motion failed to receive three affirmative votes, the action of the Zoning Administrator stands. There were three members present: Dr. Michael Clark, Gene Jim Magot and Dan Smith.

Not present: Jay Wharton & Joe Outlaw.

The Mira Mesa Community Planning Group has sent a fax message indicating that they approve the proposed project.

FILE LOCATION:           ZONE - C-21524 (25)

COUNCIL ACTION:       (Tape location: A360-388.)

MOTION BY WARDEN TO ACCEPT THE APPEAL AND APPROVE THE REQUEST FOR A HEARING BASED ON NEW EVIDENCE. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-35:

SUBJECT: Proclaiming June 6, 1998 as "San Diego Cares About  
Schools Day."

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1324) ADOPTED AS RESOLUTION R-290134

Proclaiming June 6, 1998 as "San Diego Cares About  
Schools Day" and commending the event organizers and  
all participants in the day's events for their  
commitment to enhancing our community, improving our  
schools and providing our children with a better  
learning environment.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A184-239; A347-355.)

MOTION BY WARDEN TO ADOPT ITEMS 31, 32, 33, AND 35. Second  
by Stallings. Passed by the following vote: Mathis-yea,  
Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-50:

SUBJECT: Amendment of the San Diego Municipal Code Chapter V,  
Article 2, "Trespass on Zoo Grounds."

(Districts-3 & 5.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on  
5/11/98. (Council voted 9-0):

(O-98-126)            ADOPTED AS ORDINANCE O-18518 (New  
Series)

Amending Chapter V, Article 2, of the San Diego  
Municipal Code by adding Division 60, title "Trespass  
on Zoo Grounds," Sections 52.6001 through 52.6007,  
relating to Trespass on Property Owned, Leased or  
Operated by the Zoological Society of San Diego.

FILE LOCATION:            MEET

COUNCIL ACTION:            (Tape location: A389-B120.)

CONSENT MOTION BY STALLINGS TO DISPENSE WITH THE READING AND  
ADOPT THE ORDINANCE. Second by Wear. Passed by the  
following vote: Mathis-yea, Wear-yea, Kehoe-yea,  
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,  
Vargas-yea, Mayor Golding-yea.

\* ITEM-51:

SUBJECT: Rezoning the Existing Lodge at Torrey Pines in the  
University Community Planning Area.  
(District-1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on  
5/12/98. (Council voted 6-3. Councilmembers Wear, Kehoe,  
Stevens, McCarty, Vargas and Mayor Golding voted yea.  
Councilmembers Mathis, Warden and Stallings voted nay.)

(O-98-117 Cor.Copy) ADOPTED AS ORDINANCE O-18519 (New Series)

Rezoning the Lodge at Torrey Pines located at 11480 North Torrey Pines Road, from the R-1-5000 Zone to the CV Zone.

FILE LOCATION:           ZONE - 96-7358 (65)

COUNCIL ACTION:       (Tape location: A389-B120.)

CONSENT MOTION BY STALLINGS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Mathis-nay, Wear-yea, Kehoe-yea, Stevens-yea, Warden-nay, Stallings-nay, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-52:

SUBJECT: Schedule of Compensation for Officers and Employees of the City of San Diego for Fiscal Year 1998-99.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/12/98. (Council voted 9-0):

(O-98-127)           ADOPTED AS ORDINANCE O-18520 (New Series)

Establishing a Schedule of Compensation for Officers and Employees of the City of San Diego for Fiscal Year 1998-99.

NOTE: See Item 100 for a companion item.

FILE LOCATION:       MEET

COUNCIL ACTION: (Tape location: A389-B120.)

CONSENT MOTION BY STALLINGS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-53:

SUBJECT: Maintenance Assessment District Ordinance.

TODAY'S ACTION IS:

Introduction of the following ordinance:

(O-98-120 Cor. Copy 1) INTRODUCED AS AMENDED, TO BE  
ADOPTED JUNE 8, 1998

Introduction of an Ordinance amending Chapter VI, Article 5, Division 2 of the San Diego Municipal Code by amending the title of Division 2; by amending Section 65.0201; by repealing existing Section 65.0202; by creating a new Section 65.0202; by repealing existing Sections 65.0203 and 65.0204; by renumbering and amending existing Sections 65.0205, 65.0206, 65.0207, and 65.0215 to Sections 65.0203, 65.0204, 65.0205, and 65.0206; by repealing existing Sections 65.0208, 65.0209, 65.0209.5, 65.0210, and 65.0211; by creating new Sections 65.0209, 65.0210, 65.0211, 65.0212, 65.0213, and 65.0214; by renumbering and amending existing Sections 65.0212, 65.0213, and 65.0214 to Sections 65.0219, 65.0220, and 65.0221; by repealing existing Sections 65.0216 and 65.0217; and by renumbering and amending existing Sections 65.0218,

65.0219, 65.0220, 65.0221, and 65.0222, to Sections 65.0222, 65.0223, 65.0224, 65.0225, and 65.0226; and by creating a new Section 65.0227; all pertaining to Maintenance Assessment Districts.

RULES COMMITTEE'S RECOMMENDATION:

On 5/11/98, RULES voted 5-0 to adopt an ordinance amending Chapter VI, Article 5, Division 2 pertaining to maintenance districts. Various Municipal Code changes were approved including: 1) changing the title of "San Diego Maintenance District Procedural Ordinance of 1986" to "Maintenance Assessment Districts"; 2) reorganizing and cleaning up of the existing ordinance; 3) defining common terms as referenced in the California Government Code, Streets and Highways Code, and California Constitution; 4) reorganizing and clarifying certain existing provisions of Chapter VI, Article 5, Division 2; 5) establishing new guidelines for the administration of a District by a Non-Profit Corporation and determining that majority support by the assessed property owners is required for a change in administration; and 6) establishing requirements for award of contracts by the City and Non-Profit Corporations on behalf of Maintenance Assessment Districts. (Councilmembers Mathis, Wear, Warden, McCarty and Mayor Golding voted yea.)

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: C011-279.)

MOTION BY McCARTY TO INTRODUCE THE ORDINANCE AS AMENDED GIVING THE PROPERTY OWNERS THE OPPORTUNITY TO VOTE ON THE QUESTION OF ADMINISTRATION OF THE MAINTENANCE DISTRICT AT THE SAME TIME THEY VOTE TO FORM THE MAINTENANCE DISTRICT, AND STATE IN THE BALLOT WHICH NON-PROFIT GROUP WOULD ADMINISTER THE FUNDS. INCLUDE THAT THE PARK AND RECREATION DEPARTMENT LIVE BY THE SAME RULES REQUIRED OF THE NON-PROFIT ORGANIZATIONS. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-54:

SUBJECT: Lease Agreement with Intrax, Inc. for an International  
School and Office Space.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-98-115) INTRODUCED, TO BE ADOPTED JUNE 8, 1998

Introduction of an Ordinance authorizing a lease  
agreement with Intrax, Inc. for an international school  
and office space in the World Trade Center, for a term  
of 10 years, at an initial monthly rent of \$4,348.05  
(\$1.05 per square foot).

CITY MANAGER SUPPORTING INFORMATION:

Intrax English Institute has selected the World Trade Center  
(WTC) to open another international school. Intrax is a  
California corporation established in 1981 and provides numerous  
educational programs and placement services for international  
students who wish to enroll in American private high schools.  
These services are provided to over 3,500 students each year. In  
addition, Intrax operates the American English academies and  
arranges student exchange programs to send American high school  
students to ten different countries. The San Diego facility at  
the WTC would be modeled after their San Francisco school.

The basic terms of the lease are as follows:

USE: International School providing educational programs and  
placement services for international students.

PREMISES: 1250 Sixth Avenue, Suite 301 in the World Trade Center.

SQUARE FEET: 4,141.

LEASE TERMS: 10 years, effective June 1, 1998 to May 31, 2008.

OPTION TO EXTEND: Upon the City's approval, the tenant may extend the lease for two five-year periods. Rent will increase 5% each year during each extension.

SECURITY DEPOSIT: \$5,673.22.

EARLY TERMINATION: Tenant has one option to terminate the lease within the first six months of the lease term if the San Diego District of Immigration and Naturalization Services denies the tenant issuing authority for obtaining Visas for students. The penalty requires Intrax to reimburse the City for any rent credit. Also, upon the request of the City, Intrax will restore the premises to its original condition.

RENT: For the months of June 1, 1998 through December 31, 1998 tenant will receive a rent credit of \$30,436.35. January 1, 1999 rent will be \$4,348.05 per month - \$1.05 per square foot. Rent is based on similar space in comparable downtown buildings.

RENT INCREASES: 3% annual increases each June.

TENANT IMPROVEMENTS: Tenant will be installing over \$50,000 in tenant improvements at the cost of the tenant.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A389-B120.)

CONSENT MOTION BY STALLINGS TO INTRODUCE THE ORDINANCE.  
Second by Wear. Passed by the following vote: Mathis-yea,  
Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.



\* ITEM-55:

SUBJECT: Two actions related to First Amendment to the Lease  
with Wesco Sales Corporation (Dana Landing).

(See City Manager Report CMR-98-102. Mission Bay  
Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance and adopt the resolution:

Subitem-A: (O-98-130) INTRODUCED, TO BE ADOPTED  
JUNE 8, 1998

Introduction of an Ordinance authorizing the City  
Manager to execute a first amendment to the lease with  
Wesco Sales Corporation (Dana Landing) for acceleration  
of the Redevelopment Plan.

Subitem-B: (R-98-1150) ADOPTED AS RESOLUTION R-290135

Adoption of a Resolution certifying that the  
information contained in LDR-96-7477, has been  
completed in compliance with the California  
Environmental Quality Act of 1970, as amended, and  
State guidelines, and that the Negative Declaration  
reflects the independent judgement of the City of San  
Diego as lead agency.

FILE LOCATION: Subitem A: NONE; Subitem B: LEAS - Wesco  
Sales Corporation (Dana Landing)

COUNCIL ACTION: (Tape location: A389-B120.)

CONSENT MOTION BY STALLINGS TO INTRODUCE THE ORDINANCE AND ADOPT THE RESOLUTION. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-100:

SUBJECT: Three actions related to Preparation of Resolutions Regarding the FY99 Salary Ordinance.

PERSONNEL DIRECTOR'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-1256) ADOPTED AS RESOLUTION R-290136

Approving the classifications of personnel in the Classified Service of the City of San Diego eligible for premium or regular rate overtime, effective upon adoption of the resolution through June 30, 1999.

Subitem-B: (R-98-1257) ADOPTED AS RESOLUTION R-290137

Amending the classifications previously designated by the Council as appropriately assigned to employee representation units to reflect additions of new classes, removal of deleted classes, and changes to titles.

Subitem-C: (R-98-1258) ADOPTED AS RESOLUTION R-290138

Establishing and adopting a Cafeteria Benefits Plan for all designated eligible employees for Fiscal Year 1999, providing dollar sums for each eligible employee, to be allocated to benefits as designated in the plan;

Declaring that the funds appropriated for this plan  
shall be as set in the Annual Appropriation Ordinance.

NOTE: See Item 52 for a companion item.

FILE LOCATION: Subitems A,B,C: MEET

COUNCIL ACTION: (Tape location: A389-B120.)

CONSENT MOTION BY STALLINGS TO ADOPT THE RESOLUTIONS.  
Second by Wear. Passed by the following vote: Mathis-yea,  
Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-101:

SUBJECT: Tax and Revenue Anticipation Notes (TANS) for Fiscal  
Year 1998-99.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1309) ADOPTED AS RESOLUTION R-290139

Authorizing the City Manager to negotiate an agreement  
with BancAmerica Robertson, Stephens and Samuel A.  
Ramirez & Co. to purchase and market City of San Diego  
short term tax and revenue anticipation notes at a cost  
not to exceed \$0.87 per \$1,000 in notes;

Authorizing the execution of an agreement with Robinson  
& Pearlman, LLP, to act as Bond Counsel and Disclosure  
Counsel for the issuance of the Tax Anticipation Notes  
(TANS), and authorizing the expenditure of not to  
exceed \$22,000 in fees and expenses;

Authorizing the execution of an agreement with Stradling, Yocca, Carlson & Rauth to act as Special Tax Counsel for the issuance of the Notes, and authorizing the expenditure of not to exceed \$5,000 in fees and expenses;

Authorizing the City Manager and City Treasurer to issue TANS in Fiscal Year 1998-99 in one or more issues for an amount not to exceed \$100,000,000 and to execute all agreements in connection with the Notes.

CITY MANAGER SUPPORTING INFORMATION:

The City normally experiences cashflow deficits during the fiscal year in the General Fund as a result of uneven timing of receipt of revenues while expenditures occur at level amounts throughout the year. The uneven pattern of revenue is primarily due to the receipt of secured property tax payments which occur in December and April of each year, and reimbursements from the State of California and Federal Government Agencies. In order to pay operating expenses prior to the receipt of revenues, the City issues short term financing in the form of Tax Anticipation Notes (TAN). The TAN program is self-supporting in that the interest revenue earned on the reinvestment of the notes proceeds pays for the debt service and any costs or expenses associated with the issuance of the notes.

Aud. Cert. 9801223.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A389-B120.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-102:

SUBJECT: Three actions related to the Final Subdivision Map of  
South Creek Parcels 35-48 Unit No. 16.

(A 23-lot subdivision located south of Sabre Springs  
Parkway and west of Springbrook Drive. Sabre Springs  
Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-1238) ADOPTED AS RESOLUTION R-290140

Authorizing a Subdivision Improvement Agreement with  
Pardee Construction Company for the installation and  
completion of public improvements.

Subitem-B: (R-98-1237) ADOPTED AS RESOLUTION R-290141

Approving the final map.

Subitem-C: (R-98-1239) ADOPTED AS RESOLUTION R-290142

Accepting a grant deed of Pardee Construction Company,  
granting to the City Lots 19, 21 and 22 of South Creek  
Parcels 35-48, Unit 16, for open space purposes.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 40.753-acre site into 23  
lots for residential development. It is located south of Sabre  
Springs Parkway and west of Springbrook Drive in the Sabre  
Springs Community Plan area. On January 28, 1997 the City  
Council of the City of San Diego approved Vesting Tentative Map  
VTM-96-0442 for South Creek Parcels 35-48 Unit No. 16.

The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. The public improvements required for this subdivision are shown in detail on Drawing Nos. 28787-1-D through 28787-30-D, filed in the Office of the City Clerk under Micro Number 139.67. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$482,199 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$12,320, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This subdivision is located in the Sabre Springs Facilities Benefit Assessment (FBA) District, which provides for the payment of FBA (including parks), at the time of building permit issuance. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued. Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development." Subdivider has entered into a Landscape Maintenance Agreement with the final map of South Creek Parcels 35-48, Units 9, 11 and 12, agreeing to maintain all landscaping and appurtenances within the City right-of-way, adjacent to this subdivision until another mechanism is established and assumes maintenance responsibility. Lots 19, 21 and 22 are being deeded by separate instrument to the City at no cost as a condition of Tentative Map approval. The lot totals 32.369 acres in size. No park fee credit is being granted by this action. These lots are to be used for open space purposes.

FILE LOCATION:           Subitems A,B: SUBD - South Creek Parcels  
                              35-48; Subitem C: DEED F-7240

COUNCIL ACTION:       (Tape location: A389-B120.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-103:

SUBJECT: Three actions related to Alvarado Trunk Sewer  
Re-Alignment Project.

(Located north and south of Interstate 8 corridor, west  
of College Avenue. College Community Area.  
District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-1278) ADOPTED AS RESOLUTION R-290143

Accepting an agreement and grant of easement and  
quitclaim documents of the Trustees of the California  
State University, granting to the City sewer easements  
across portions of Lot 67 of the Partition of Rancho  
Mission of San Diego Map-330.

Subitem-B: (R-98-1279) ADOPTED AS RESOLUTION R-290144

Accepting an easement deed of Smoke Tree Adobe Falls  
Homeowners Association, granting to the City a sewer  
access easement across a portion of Lot 3 of Smoke Tree  
Adobe Falls Map-9347.

Subitem-C: (R-98-1306) ADOPTED AS RESOLUTION R-290145

Vacating the sewer easement in portions of Lot 67 of  
the Partition of Rancho Mission of San Diego Map-330.

CITY MANAGER SUPPORTING INFORMATION:

The Alvarado Trunk Sewer Re-Alignment Project became necessary after the heavy rains in March, 1991. Alvarado Creek overflowed its banks, causing erosion beneath the 21-inch trunk sewer, which ultimately led to a sewer break and spillage of 5.1 million gallons of untreated sewage. The City of San Diego was fined \$50,000, and regulations were imposed to prevent reoccurrence of the event.

In response, City maintenance crews repaired the break with a temporary concrete encasement, and have conducted periodic visual inspections to avoid any further spills. City staff determined that the sewer break was located within CalTrans' flood control channel for Alvarado Creek, which runs parallel to Interstate 8 (I-8). The only practical permanent repair is to re-align the trunk sewer outside of CalTrans' flood control channel. Project plans call for re-aligning the 21-inch sewer line from the flood control channel to Canyon Crest Drive, an improved private road, owned by the Trustees of the California State University (CSU). The re-aligned trunk sewer will then pass north, under I-8, and connect to the existing 21-inch Alvarado Trunk Sewer, in an open space area also owned by CSU, and adjacent to the Adobe Falls Condominium parcel. CSU has agreed to grant the easements required for the project, in exchange for the City's abandonment of two portions of the existing sewer easement. The Adobe Falls Condominium Association has agreed to donate the required access easement to the City in exchange for fencing improvements and a joint-use access gate which is to be installed at the access entrance. The resolutions are sought to allow the required property rights to be accepted on behalf of the City of San Diego, and thereby allow the project to proceed in a timely manner.

FILE LOCATION: Subitems A,B,C: DEED F-7241



COUNCIL ACTION: (Tape location: A389-B120.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-104:

SUBJECT: Metro Biosolids Center - Additional Funding.

(NAS Miramar Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1275) ADOPTED AS RESOLUTION R-290146

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$4,000,000 within Fund No. 41509, from CIP-46-502.0, Annual Allocation for Pooled Contingencies - Clean Water Program, to CIP-42-911.4, Metro Biosolids Center;

Authorizing the expenditure of not to exceed \$4,000,000 from Fund No. 41509, CIP-42-911.4, Metro Biosolids Center, to provide additional funding for project contingencies and related costs, provided the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves, upon advice from the administering department.

CITY MANAGER SUPPORTING INFORMATION:

Construction of the Metro Biosolids Center (MBC) at Marine Corps Air Station Miramar began in February, 1995. When complete, this facility will provide the capability to dewater digested sludge as well as thicken and digest raw sludge. On February 21, 1998, portions of the facility were sufficiently complete such that digested sludge from the Point Loma Wastewater Treatment Plant was diverted from the dewatering facilities on Fiesta Island for processing at MBC. This allowed the City to meet the April 30, 1998 California Coastal Commission permit deadline to remove these facilities. Start-up operations are continuing, and construction of the remaining raw sludge thickening facilities and digesters is expected to be complete in 1998. City Council has previously approved \$178,486,811 for construction of the MBC facilities. This request for a transfer of \$4,000,000 of contingency will provide for improved fire and chemical safety systems, greater facility automation and dewatered cake loadout enhancement. These funds are available within the FY98 MWWD CIP budget program wide contingency.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A389-B120.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-105:

SUBJECT: Three actions related to Authorizing Suggestion Awards  
to City Employees.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-1172) ADOPTED AS RESOLUTION R-290147

Christopher Pollock - Water Utilities - \$80.  
Christopher Pollock - Water Utilities - \$280.

Subitem-B: (R-98-1173) ADOPTED AS RESOLUTION R-290148

Mary Navarro - Police - \$2,500.

Subitem-C: (R-98-1174) ADOPTED AS RESOLUTION R-290149

Wayne Cross - Fire & Life Safety - \$306.

FILE LOCATION: Subitems A,B,C: MEET

COUNCIL ACTION: (Tape location: A389-B120.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-106:

SUBJECT: First Amendment to the Second Amended Agreement with  
Camp Dresser & McKee, Inc. to Provide Services for  
Implementing the City's Strategic Plan for Water  
Supply.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1298)      ADOPTED AS RESOLUTION R-290150

Authorizing a First Amendment to the Second Amended Agreement with Camp Dresser & McKee, Inc. to incorporate the preparation of the North City Treatment Plant Feasibility Study as part of the implementation of the Strategic Plan for Water Supply;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$200,000 from the Water Fund Unallocated Reserve (Fund 41500, Program Element 76226) to CIP-72-920.0, North City Filtration Plant;

Authorizing the expenditure of not to exceed \$200,000 from CIP-72-920.0, North City Filtration Plant.

CITY MANAGER SUPPORTING INFORMATION:

In June 1996, the City entered into an Agreement with Camp Dresser and McKee, Inc. (CDM) to provide technical services, on an "as needed" basis, for the development of the Water Department's Strategic Plan for Water Supply. The First and Second Amended Agreements were executed on February 14, 1997 and June 20, 1997, respectively. CDM'S technical services in support of the Strategic Plan process included preparing workshop presentations, facilitating the workshops, and writing the final document.

CDM provided the City with needed support in assigning potable water demand projections to the service areas of the Alvarado, Otay, and Miramar water treatment plants, and other facilities on an "as needed" basis. As part of the recommendations for the Strategic Plan for Water Supply, this request will have CDM prepare a feasibility study based on the Miramar service area water demands to size the North City Water Treatment Plant (NCWTP). This project will evaluate whether a supplemental water treatment plant in the North City community can best meet the future water demand in the northern region of the existing Miramar service area. The Scope of Work for this study includes

investigation of alternative raw water supplies to the NCWTP, preparing capital and operation and maintenance cost schedules, involving stakeholders through scheduled workshops, coordinating with City staff, and support in coordinating with the San Diego County Water Authority to assist in the course of developing this project.

Aud. Cert. 9801150.

WD-CIP-98-003.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A389-B120.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-107:

SUBJECT: Five-year Permit Agreement with Mossy Ford for  
approximately 0.68-acre Parking Lot in Rose Canyon  
Operations Station.

(Clairemont Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1261) ADOPTED AS RESOLUTION R-290151

Authorizing a Five-year Permit Agreement with Mossy  
Ford for parking and storage of new cars on an  
approximately 0.68-acre parking lot in City-owned Rose

Canyon Operations Station, being a portion of Pueblo Lot 1209, at an initial monthly permit fee of \$4,200, which amount City Valuation Staff has determined to be at fair market value.

CITY MANAGER SUPPORTING INFORMATION:

For the past three years, Mossy Ford has had a permit to use a 0.68-acre paved parking lot in the City's Rose Canyon Operations Station for parking and storage of new cars. The permit has given the City a substantial rental income of over \$4,000 per month from a parking lot which had been seldom used. The City uses part of the income from this permit to fund the landscaping project at the Rose Canyon Operations Station. The proposed permit renewal is for a term of five years, but either party may terminate the agreement upon 90 days notice. The renewal is acceptable to the Equipment Division of the Transportation Department, which oversees the Rose Canyon Operations Station. The starting rent will be \$4,200 per month with annual Consumer Price Index adjustments. City staff has determined the rental amount to be at fair market value.

FILE LOCATION: LEAS - Mossy Ford Parking Lot in Rose Canyon Operations Station

COUNCIL ACTION: (Tape location: A389-B120.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-108:

SUBJECT: Fifth Amendment to the Agreement with Parsons Engineering-Science, Inc., for the Pump Station No. 65 Expansion and Force Main Project.

(Torrey Pines Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1280) ADOPTED AS RESOLUTION R-290152

Authorizing a fifth amendment to the agreement of August 10, 1992, with Parsons Engineering-Science, Inc., for engineering services in connection with the Pump Station No. 65 Expansion and Force Main Project;

Authorizing the expenditure of an amount not to exceed \$50,693 from Fund No. 41506, CIP-46-117.0, Pump Station No. 65 Expansion and Force Main.

CITY MANAGER SUPPORTING INFORMATION:

Parsons Engineering Science is under contract with the City for the design of the Pump Station No. 65 Expansion and Force Main project. A portion of this project is the demolition of the old Pump Station No. 65. This amendment No. 5 to the Parsons Engineering Science design agreement provides for engineering services during this new demolition contract.

Aud. Cert. 9801272.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A389-B120.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-109:

SUBJECT: Agreement with Sony Electronics, Inc., for Additional  
Water and Sewer Capacity.

(Rancho Bernardo Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1296) ADOPTED AS RESOLUTION R-290153

Authorizing an agreement with Sony Electronics, Inc.,  
for the purchase of additional water and sewer capacity  
from the City.

CITY MANAGER SUPPORTING INFORMATION:

On June 24, 1996, the City Council adopted Resolution R-287543, that provided for the modification of water and sewer capacity charges for industrial enterprise that could demonstrate delineated economic contributions to the City. The amended capacity charges were to attract new companies to enhance the local economy for the economic well-being of the community and retain major development and job generating projects. Sony Electronics, Inc., (Sony) of Rancho Bernardo has requested additional water and sewer capacity. In order for Sony to obtain the additional water and sewer capacity as set forth in the modification of water and sewer capacity charges (R-287543) a two Phase Expansion Plan was developed. Under Phase I, Sony was required to provide initial capital investment in the facility to increase production capacity to a stipulated amount of over \$50,000,000 and to increase employment to the specified level of 2,000 by July 31, 1997. Sony satisfied both criteria set forth for Phase I. Under Phase II, Sony is to provide additional stipulated capital investment (\$50,000,000 to \$60,000,000) in the



Facility and to increase its employment population to over 2,250 by December 31, 1998. Sony is to submit a report to the City by January 31, 1999 that summarizes its level of achievement to the requirements provided for in Phase II. In the event the City determines Sony has met its obligation as set forth in Phase II, the City shall sell to Sony an additional 224,000 gpd (gallons per day) of water capacity and 699,670 gpd of sewer capacity. The additional water capacity will be sold to Sony at a rate of \$1,500 per EDU (Equivalent Dwelling Unit) (500 gallons per day = 1 EDU) as set forth in Resolution R-287543. The additional sewer capacity will be sold at \$1,500 per EDU (280 gallons per day = 1 EDU), again, as set forth in R-287543. Further, if the City constructs an Industrial Brine Export System, a more cost effective distribution method, the capacity charge to Sony using the Brine Export System is estimated to be \$1,247 per EDU subject to an adjustment based on final construction costs but not to exceed \$1,500 per EDU. In the event Sony does not achieve the requirements set forth in Phase II or there is a material breach of the agreement on the part of Sony, the water capacity rate and the sewer capacity rate will revert to the prevailing rate of \$2,500 per EDU.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A389-B120.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-110:

SUBJECT: Appointment to the San Diego Housing Commission.

(See memorandum from Mayor Golding dated 5/14/98 with resume attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1319) ADOPTED AS RESOLUTION R-290154  
Council confirmation of the appointment by the Mayor of  
Thomas F. Steinke, to serve as a member of the San  
Diego Housing Commission, for a term expiring January  
2, 1999, replacing Carol Nottley, who resigned prior to  
the expiration of her term.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A389-B120.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-111:

SUBJECT: Two actions related to Washington Street Landscape  
Maintenance District.

(Mission Hills Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-1299) ADOPTED AS RESOLUTION R-290155

Resolution of Intention to levy and collect Fiscal Year  
1999 annual assessments on Washington Street Landscape  
Maintenance District.

Subitem-B: (R-98-1300) ADOPTED AS RESOLUTION R-290156

Approving the City Engineer's Report.

CITY MANAGER SUPPORTING INFORMATION:

The Washington Street Landscape Maintenance District (LMD) was established in July 1993 to provide maintenance for the landscaping improvements on the Washington Street center islands. For Fiscal Year 1999, the District will maintain 9,000 sq. ft. of medians (7,168 sq. ft. of landscaped medians), 44,000 sq. ft. of landscaped slopes, 1,120 sq. ft. of street trees and 10,000 sq. ft. of hardscape sidewalks. Additional landscape median improvements of 6,572 sq. ft. will require maintenance in future years. The Fiscal Year 1999 proposed maintenance costs for the District are as follows:

DESCRIPTION	FUND		TOTAL
	OPERATIONS	RESERVE	
BEGINNING BALANCE	\$ 0.00	\$ 5,000.00	\$ 0.00
REVENUE:			
Assessments	\$ 19,574.00	\$ 0.00	\$ 19,574.00
Interest	0.00	130.00	130.00
City Contribution	1,080.00	0.00	1,080.00
TOTAL REVENUE	\$ 20,654.00	\$ 130.00	\$ 20,784.00
TRANSFER:	2,825.00	( 2,825.00)	0.00
EXPENSE:			
Personnel	\$ 2,733.00	\$ 0.00	\$ 2,733.00
Contractual	12,000.00	0.00	12,000.00
Incidental	5,916.00	0.00	5,916.00
Utilities	2,830.00	0.00	2,830.00
TOTAL EXPENSE	\$ 23,479.00	\$ 0.00	\$ 23,479.00
ENDING BALANCE	\$ 0.00	\$ 2,305.00	\$ 2,305.00

The proposed assessment for Fiscal Year 1999 is \$9.04 per equivalent benefit unit (EBU) and the maximum authorized assessment is \$14.91 per EBU indexed annually to the San Diego CPI-U. An assessment was not levied in Fiscal Year 1998. Reserve funds were used for maintenance while the District was re-engineered. The District contains 2,165 equivalent benefit units (EBU's).

FILE LOCATION: Subitems A,B: STRT - M-410-99

COUNCIL ACTION: (Tape location: A389-B120.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-112:

SUBJECT: Two actions related to First San Diego River  
Improvement Project Landscape Maintenance District.

(Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-1230) ADOPTED AS RESOLUTION R-290157

Resolution of Intention to levy and collect 1999 annual  
assessments on the First San Diego River Improvement  
Project Landscape Maintenance District.

Subitem-B: (R-98-1231) ADOPTED AS RESOLUTION R-290158

Approving the City Engineer's Report.

CITY MANAGER SUPPORTING INFORMATION:

The First San Diego River Improvement Project Landscape Maintenance District (LMD) was established in 1987 to provide maintenance for the San Diego River earthen flood control channel, eight river islands inside the channel zone, and an approximately 20 foot wide buffer zone running along and adjacent to the channel embankments. The Fiscal Year 1999 proposed maintenance costs for the district are as follows:

DESCRIPTION	OPERATIONS	FUND RESERVE	TOTAL
BEGINNING BALANCE	\$ 0.00	\$532,885.00	\$532,885.00
REVENUE:			
Assessments	\$144,695.00	\$ 0.00	\$144,695.00
Interest	0.00	21,500.00	21,500.00
TOTAL REVENUE	\$144,695.00	\$ 21,500.00	\$166,195.00
TRANSFER:			
	507,806.00	(507,806.00)	0.00
EXPENSE:			
Personnel	\$ 39,444.00	\$ 0.00	\$ 39,444.00
Contractual	520,366.00	0.00	520,366.00
Incidental	44,991.00	0.00	44,991.00
Utilities	47,700.00	0.00	47,700.00
TOTAL EXPENSE	\$652,501.00	\$ 0.00	\$652,501.00
ENDING BALANCE	\$ 0.00	\$ 46,579.00	\$ 46,579.00

The total proposed assessment for Fiscal Year 1999 is the sum of \$390.94 per aesthetics benefit unit and \$3,952.24 per flood safety benefit unit indexed annually to the San Diego CPI-U. The district has been re-engineered to include additional parcels and a change in apportionment methodology; individual parcels may be impacted by the change in apportionment. The district contains 1,138 parcels, 185.06 benefit units based on aesthetics and 18.3055 benefit units based on flood safety.

FILE LOCATION: Subitems A,B: STRT - M-381-99

COUNCIL ACTION: (Tape location: A389-B120.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-113:

SUBJECT: Two actions related to Miramar Ranch North Landscape  
Maintenance District.

(Miramar Ranch North Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-1187) ADOPTED AS RESOLUTION R-290159

Resolution of Intention to levy and collect 1999 annual  
assessments on the Miramar Ranch North Landscape  
Maintenance District.

Subitem-B: (R-98-1188) ADOPTED AS RESOLUTION R-290160

Approving the City Engineer's Report.

CITY MANAGER SUPPORTING INFORMATION:

The Miramar Ranch North Landscape Maintenance District (LMD) was  
established in 1987 to provide maintenance for 69,254 sq. ft. of  
landscaped medians, 36.76 acres of landscaped slopes, 7.25 acres

of landscaped right-of-ways, 2.77 acres of "interpretive/pocket" parks and 231 acres of open space within the district boundaries. A \$300,000 slope rehabilitation program is being included in the budget over the next three year period. The Fiscal Year 1999 proposed maintenance costs for the district are as follows:

DESCRIPTION	FUND		TOTAL
	OPERATIONS	RESERVE	
BEGINNING BALANCE	\$ 0.00	\$158,313.00	\$158,313.00
REVENUE:			
Assessments	\$413,361.00	\$ 0.00	\$413,361.00
Interest	0.00	1,200.00	1,200.00
City Contribution	14,085.00	0.00	14,085.00
TOTAL REVENUE	\$427,446.00	\$ 1,200.00	\$428,646.00
TRANSFER:	76,709.00	( 76,709.00)	0.00
EXPENSE:			
Personnel	\$ 42,037.00	\$ 0.00	\$ 42,037.00
Contractual	220,000.00	0.00	220,000.00
Incidental	162,618.00	0.00	162,618.00
Utilities	79,500.00	0.00	79,500.00
TOTAL EXPENSE	\$504,155.00	\$ 0.00	\$504,155.00
ENDING BALANCE	\$ 0.00	\$ 82,804.00	\$ 82,804.00

The proposed assessment for Fiscal Year 1999 is \$52.76 in Zone 1 and \$73.19 in Zone 2 per equivalent benefit unit (EBU), proposed assessment for Fiscal Years 2000-2001 is \$56.68 in Zone 1 and \$101.05 in Zone 2 per EBU and the maximum authorized assessment is \$44.85 in Zone 1 and \$112.78 in Zone 2 per EBU indexed annually to the San Diego CPI-U. In re-engineering the district, the boundaries have been expanded and two benefit zones established. Although the assessment decreased from \$83.50 per EBU in Fiscal Year 1998, individual parcels may be impacted by the change in apportionment. The district contains 5,445.21 equivalent benefit units (EBU's), 2,506.69 EBU's in Zone 1 and 3,840.93 EBU's in Zone 2.

FILE LOCATION: Subitems A,B: STRT - M-385-99

COUNCIL ACTION: (Tape location: A389-B120.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-114:

SUBJECT: Excusing Councilmember Harry Mathis from the Council  
Meeting of 5/18/98.

COUNCILMEMBER MATHIS'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1315) ADOPTED AS RESOLUTION R-290161

Excusing Councilmember Harry Mathis from attending the  
regularly scheduled Council meeting of May 18, 1998,  
added to the Legislative Calendar by Council Resolution  
on May 4, 1998, due to previously scheduled out of town  
commitments.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A389-B120.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.



ITEM-200:

SUBJECT: Two actions related to the Business Improvement  
District Budgets for Fiscal Year 1999.

(Mid-City, Centre City, Uptown, Greater North Park, Old  
San Diego, Ocean Beach, La Jolla, Southeast San Diego,  
College Area, Mission Beach, and Pacific Beach  
Community Areas. Districts-1, 2, 3, 4,& 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-1310) ADOPTED AS RESOLUTION R-290162

Accepting the Budget Report for each Business  
Improvement District for July 1, 1998 through June 30,  
1999 (FY 1999).

Subitem-B: (R-98-1311 Cor.Copy) ADOPTED AS RESOLUTION  
R-290163

Resolution of Intention to levy an annual assessment  
within previously established Business Improvement  
Districts for July 1, 1998 through June 30, 1999 (FY  
1999), and setting June 16, 1998 at 10:00 a.m. as the  
noticed public hearing for that purpose.

CITY MANAGER SUPPORTING INFORMATION:

Business Improvement Districts (BIDS) are authorized by State law  
to assess benefitted businesses for the cost for certain  
activities. These activities are generally promotional in  
nature. Once a BID is established the City collects the  
assessments and disburses them to an appropriate entity  
representing the district pursuant to an annual operating  
agreement.

There are currently 16 active districts in the City of San Diego: Adams Avenue, City Heights, College Area, Diamond, Downtown, El Cajon Boulevard Gateway, El Cajon Boulevard Central, Gaslamp, Hillcrest, La Jolla, Little Italy, Mission Hills, North Park, Ocean Beach, Old Town, and Pacific Beach. State law requires that the City Council annually adopt a budget for each BID and hold a public hearing to levy appropriate assessments. The actions being taken today are accept the budget reports, and set Tuesday June 16, 1998 for the public hearing to levy the proposed assessment for each BID for Fiscal Year 1999.

FILE LOCATION: Subitems A,B: STRT - L-1, L-2, L-3, L-4, L-5,  
L-6, L-7, L-8, L-9, L-11, L-12, L-13, L-14,  
L-15, L-16, L-17

COUNCIL ACTION: (Tape location: A389-B120.)

CONSENT MOTION BY STALLINGS TO ADOPT AND INCLUDE THE CORRECTION TO THE PHYSICAL DESCRIPTION AS REQUESTED BY COUNCIL MEMBER KEHOE FOR THE HILLCREST BUSINESS IMPROVEMENT DISTRICT AS FOLLOWS: FROM PARK BOULEVARD TO THE WEST; FRONT STREET TO THE EAST. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-201:

SUBJECT: Housing Trust Fund Program Plan Implementation Strategy for FY99.

(See Housing Commission Report HCR-98-039.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1250) ADOPTED AS RESOLUTION R-290164  
Authorizing the San Diego Housing Trust Fund Program  
Plan Implementation Strategy for Fiscal Year 1999.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A389-B120.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-202:

SUBJECT: Construction of Point Loma - Headworks, Odor Control  
and Grit Processing Facilities Interim Improvements.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1274) ADOPTED AS RESOLUTION R-290165  
Approving the plans and specifications for advertising  
for bids for the Construction of Point Loma -  
Headworks, Odor Control and Grit Processing Facilities  
Interim Improvements, Work Order No. 172944;

Authorizing the City Manager to establish contract  
funding phases with the lowest responsible bidder for

the work, based on the actual low bid submitted, and to execute a contract with the lowest responsible bidder, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure are, or will be, on deposit in the City Treasury;

Authorizing the expenditure of not to exceed \$9,200,550 from Sewer Fund No. 41508, as follows: \$8,808,050 from CIP-46-175.0, Point Loma - Headworks, Odor Control and Grit Processing, to provide funds for project construction and related costs; and \$392,500 from CIP-46-501.0, Annual Allocation - Metro Pooled Contingency, to provide funds for project contingency, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure under established contract funding phases are, or will be, on deposit in the City Treasury;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The Point Loma - Headworks, Odor Control and Grit Processing Facilities Interim Improvements project will provide comprehensive upgrades to the existing screenings, odor control and grit removal facilities at the Point Loma Wastewater Treatment Plant, the primary function of which is to remove floating and suspended solids and grit from the influent wastewater. Currently, the existing screens are deteriorating requiring frequent maintenance and are not effectively removing smaller size solids. Existing grit removal is also inefficient in preventing or reducing the amount of grit sent along with the biosolids to the digesters; grit and unscreened inorganic solids in the digesters result in poor sludge digestion. Existing odor removal at the headworks is poor resulting in odor emissions. Components of the project are: 1) replacement at the headworks of

the existing traveling screens with climber-type screens and installation of screw conveyors and washer/compactors; 2) upgrades to the grit piping and valves and installation of grit teacups and snail dewaterers; 3) installation of a new odor removal system at the headworks; 4) replacement of the chemical hydrogen peroxide with sodium hypochlorite for improved removal efficiencies of the new and existing odor systems; and 5) automation will be implemented in order to achieve desired removal rates. In addition to improved removal of these residuals and odors, these improvements will extend process equipment life and reduce operation and maintenance costs in the downstream treatment processes (primary sedimentation, scum removal, solids pumping/screening, solids digestion) of the plant.

FILE LOCATION: CONT - CDM Engineers & Constructors, Inc.;  
W.O. 172944

COUNCIL ACTION: (Tape location: A389-B120.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-203:

SUBJECT: Adoption of an Ordinance Approving the Emergency  
Storage Program Agreement with the San Diego County  
Water Authority for San Vicente and Lake Hodges Dams  
and Reservoirs.

(See City Manager Report CMR-98-60. San Pasqual/Lake  
Hodges Community Area. District-5.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on  
5/4/98. (Council voted 9-0):

(O-98-121)            ADOPTED AS ORDINANCE O-18521 (New  
Series)

Adoption of an Ordinance authorizing the City Manager  
to execute an agreement with the San Diego County Water  
Authority for use of the San Vicente Reservoir as part  
of the Emergency Storage Project; Authorizing the City  
Manager to execute an agreement with the San Diego  
County Water Authority for use of the Lake Hodges Dam  
and Reservoir as part of the Emergency Storage Project.

FILE LOCATION:            MEET

COUNCIL ACTION:            (Tape location: A389-B120.)

Hearing began at 10:47 a.m. and halted at 11:09 a.m.

CONSENT MOTION BY STALLINGS TO DISPENSE WITH THE READING AND  
ADOPT THE ORDINANCE. Second by Wear. Passed by the  
following vote: Mathis-yea, Wear-yea, Kehoe-yea,  
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,  
Vargas-yea, Mayor Golding-yea.

ITEM-204:

SUBJECT: First Public Hearing of an Ordinance Amending the  
Fiscal Year 1997-98 Appropriations Ordinance,  
Concerning the New Downtown Jail Facility.

TODAY'S ACTION IS:

Hold the first public hearing of the following Ordinance:

(O-98-138) HEARING HELD

Amending Ordinance No. O-18424, The Fiscal Year 1997-98 Appropriations Ordinance, and authorizing the City Manager to enter into the necessary agreements to implement the 1994 Memorandum of Understanding with the County of San Diego Concerning the New Downtown Jail Facility.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A389-B120.)

CONSENT MOTION BY STALLINGS TO OPEN AND CLOSE THE HEARING.  
Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-330: RETURNED TO CITY MANAGER

SUBJECT: Public hearing to take one of two alternative actions (Amendment or Revocation) with respect to Planned Commercial Development Permit PCD-37 in the San Ysidro Community Plan Area (Marvin Carpenter Storage).

(PCD-37. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution in Subitem A and, subject to concurrence from the permittee, adopt the resolution in Subitem B to amend the Planned Commercial Development Permit as attached to City Manager Report No. P-98-068.

If permittee does not accept the amended permit as attached to City Manager Report No. P-98-068, City Manager recommends adoption of the resolution in Subitem A and adoption of the resolution in Subitem C upholding the decision of the Planning Commission to revoke Planned Commercial Development Permit PCD-37.

TODAY'S ACTIONS ARE:

NOTE: COUNCIL TO APPROVE SUBITEM A AND EITHER SUBITEM B OR  
SUBITEM C.

Subitem-A: (R-98- )

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration DEP-95-0684 has been completed in compliance with the California Environmental Quality Act of 1970 and State Guidelines, and that said declaration has been reviewed and considered by the Council pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-98- )

Adoption of a resolution amending approved PCD-37 to allow: a maximum of 40,050 square feet of floor area on the site for commercial storage and incidental light industrial assembly; repair and maintenance uses in specifically designated buildings (storage to be allowed within prefabricated ocean shipping containers); 3,000 square feet of outdoor storage area; one dwelling unit for use as a watchman's quarters located within the existing three-story building; and 27 off street parking spaces.

Subitem-C: (R-98- )

Adoption of a resolution upholding the decision of the Planning Commission to revoke Planned Commercial Development Permit PCD-37 pursuant to Condition 10 of said permit for a breach of the terms and conditions of the permit. The factual basis for this decision has been established in the administrative record and



through public hearings conducted by the Planning  
Commission and City Council.

OTHER RECOMMENDATIONS:

Planning Commission voted 6-0 to revoke PCD-37; no opposition.

Ayes: Steele, Anderson, Butler, Skorepa, Watson and  
White

Not present: Quinn

The San Ysidro Planning & Development Group has recommended  
amendment of the permit in a form substantially similar to the  
City Manager's recommended amendment.

SUPPORTING INFORMATION:

This public hearing is being requested to either amend PCD-37 or  
consider the decision of the Planning Commission to REVOKE  
Planned Commercial Development Permit PCD-37. PCD-37 was  
originally granted by the Planning Commission on November 3, 1977  
and allowed the construction of eight buildings totaling 40,038  
square feet of floor area for commercial storage, 21 off-street  
parking spaces, associated landscaping and irrigation.

LEGAL DESCRIPTION:

The property is located at 1575 Howard Avenue, more particularly  
described as a portion of the North West Quarter of Section 35,  
Township 18 South, Range 2 West, SBBM, within the I-1 Zone, San  
Ysidro Implementing Ordinance, San Ysidro Community Plan Area,  
Council District 8.

CITY MANAGER'S SUPPORTING INFORMATION:

See City Manager Report No. P-98-068.

FILE LOCATION: Subitems A,B,C: PERM - 95-0684 (65)

COUNCIL ACTION: (Tape location: B138-619.)

Hearing began at 11:12 a.m. and halted at 11:42 a.m.

Testimony in favor by Jim Wulher, Stanley Wilz, Tom Moore, Diane Bjorklund, Marvin Carpenter, Guy Winton, and Bruce Boogaard.

MOTION BY VARGAS TO RETURN THIS ITEM TO THE CITY MANAGER WITH DIRECTIONS TO NEGOTIATE WITH A GREATER DEGREE OF SPECIFICITY ABOUT INDUSTRIAL USES AND TAKE INTO ACCOUNT THE NATURE OF THE SURROUNDING AREA SUCH AS RESIDENTIAL, A SCHOOL, AND A PARK AND MAKE SURE THAT THE USES ARE NOT DAMAGING TO THESE SURROUNDING AREAS. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-331:

SUBJECT: Matter of a Community Plan Amendment, Rezoning, a Tentative Map, and Planned Residential Permit No. 96-7622 in the Rancho Penasquitos Community Plan. (Hallmark Legends.)

(CPA-35-0411/TM/RZ/PRD-96-7622. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions in Subitems A and E; introduce the ordinance in Subitem B; adopt the resolution in Subitem C to grant the map; and adopt the resolution in Subitem D to grant the permit.

Subitem-A: (R-98-1201 Cor.Copy) ADOPTED AS RESOLUTION  
R-290166

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration DEP-96-7622 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by the Council in connection with the approval of Hallmark Legends PRD permit and related actions.

Subitem-B: (O-98-124) INTRODUCED, TO BE ADOPTED  
JUNE 8, 1998

Introduction of an Ordinance rezoning a 2.94 acre site from CN to R1-5000.

Subitem-C: (R-98-1576) GRANTED MAP, ADOPTED AS  
RESOLUTION R-290167

Adoption of a Resolution granting or denying the map, with appropriate findings to support Council action.

Subitem-D: (R-98-1577) GRANTED PERMIT, ADOPTED AS  
RESOLUTION R-290168

Adoption of a Resolution granting or denying the permit, with appropriate findings to support Council action.

Subitem-E: (R-98-1202) ADOPTED AS RESOLUTION R-290169

Adoption of a Resolution amending the Rancho Penasquitos Community Plan.

**OTHER RECOMMENDATIONS:**

Planning Commission voted 4-0 to approve; no opposition.

Ayes: Butler, Steele, Watson, White

Not present: Anderson, Skorepa, Quinn

The Rancho Penasquitos Community Planning Group has recommended approval of this project.

**CITY MANAGER SUPPORTING INFORMATION:**

A Rancho Penasquitos Community Plan amendment to redesignate a 2.94 acre site from Commercial Neighborhood to Low-Medium Density Residential (5-10 du/ac) is requested in conjunction with a rezone from CN to R1-5000 in order to subdivide and develop 20 single-family residential dwelling units through a Planned Residential Development Permit. On March 4, 1998, the Rancho Penasquitos Community Planning Board voted 12-0-1 to approve the requested project. Conditions have been included in the Tentative Map and Planned Residential Development permits to maintain landscaping along Carmel Mountain Road, as recommended by the Planning Board. Additionally, the applicant studied traffic patterns for the intersection of Entreken Way and Carmel Mountain Road as recommended. As a result of this study, no changes to circulation have been made. On April 2, 1998, the Planning Commission voted 4-0 to recommend to the City Council, the adoption of the City Manager's recommendations for the proposed project. There was no opposition presented at the Planning Commission to the Hallmark Legends project and staff has received no written or other opposition to the project during this process. The City Manager recommends the City Council approve the Community Plan Amendment, Rezone application, recission of an existing Planned Commercial Development Permit and approval of the Tentative Map and Planned Residential Development Permit. Conditions No. 14 and 15 (noise mitigation) of the PRD Permit will be added to the TM resolution and Finding No. 6 of the Tentative resolution will be revised to reflect that

noise impacts have been mitigated. The Council must certify environmental Mitigated Negative Declaration DEP-96-7622.

LEGAL DESCRIPTION:

The project site is located at the southwest corner of Carmel Mountain Road and Entreken Way in the Bluffs Neighborhood and is more particularly described as Lot 1, Black Mountain Vistas, Unit No. 4, Map-12603 of the Rancho Penasquitos Community Planning Area.

FILE LOCATION: Subitems A,C,D,E: LAND - Rancho  
Penasquitos Community Plan; Subitem B:  
NONE

COUNCIL ACTION: (Tape location: A389-B120.)

Hearing began at 10:47 a.m. and halted at 11:09 a.m.

CONSENT MOTION BY STALLINGS TO INTRODUCE THE ORDINANCE AND ADOPT THE RESOLUTIONS GRANTING THE MAP AND GRANTING THE PERMIT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S500: PRESENTED

(Trailed from the meeting of May 18, 1998, Item 36, at the City Manager's request, due to lack of time.)

SUBJECT: A Presentation by the City Manager of the Proposed Fiscal Year 1999 Budget.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D003-F338.)

\* ITEM-S501:

SUBJECT: Bike to Work Day in the City of San Diego.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1325) ADOPTED AS RESOLUTION R-290170

Proclaiming Thursday, May 21, 1998, to be "Bike to Work Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A389-B120.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-S502:

SUBJECT: Soundwall Phase of Nobel Drive Extension and Interstate  
805 Interchange.

(North University City Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1329) ADOPTED AS RESOLUTION R-290171

Authorizing the City Manager to apply for and accept  
the 1999 State Transportation Improvement Program

(STIP) Grant;

Authorizing the City Manager to commit the required 1/3 matching funds contingent with the requirement of State Transportation Improvement Program (STIP) from CIP-52-362.0, Nobel Drive Extension and I-805 Interchange Project (Fund 79001).

CITY MANAGER SUPPORTING INFORMATION:

The project is included in the Council approved Public Facilities Financing Plan and Facilities Benefit Assessment for North University City and FY 98 Capital Improvement Program. The project consists of the extension of Nobel Drive from Shoreline Drive to Miramar Road and construction of a south facing half diamond interchange at Nobel Drive and Interstate 805. As part of the CalTrans requirements for this project, the City is being required to construct noise barriers at the southbound I-805-Governor Drive off-ramp. The noise barrier portion of the project is eligible for two-thirds funding from the 1999 State Transportation Improvement Program (STIP). This resolution commits the City for its one-third share (\$533,000) in accordance with State requirements.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A389-B120.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-S503:

SUBJECT: Cooperative Agreement for State Route 905.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1344) ADOPTED AS RESOLUTION R-290172

Authorizing a Cooperative Agreement with the State of California, to specify the obligations of both the State and the City for the State Route 905 project.

CITY MANAGER SUPPORTING INFORMATION:

On June 3, 1998, the California Transportation Commission (CTC) will vote whether to allocate \$56,820,000 in State Interregional Transportation Improvement Program funds for State Route 905. These funds will be added to the \$5,000,000 in State Transportation Improvement Program funds previously allocated in the 1996 State Highway program. In addition, SANDAG has identified an additional \$24,000,000 from the Regional Transportation Improvement Program. Therefore, by this Council action, together with the action of the CTC in June, we will have a total of \$89,820,000 for SR-905 right-of-way and support cost. Before the CTC will take action on allocating these funds, the City must agree to allocate \$4,000,000 towards the project. This agreement between the City and the State of California will specify the obligations of both CalTrans and the City toward the SR-905 project. The City of San Diego is committed to providing \$4,000,000 for right-of-way for SR-905. Council previously approved \$5,000,000 in funding in the Otay Mesa DIF for Fiscal Year 2015, an amount if discounted back to FY 2000, is equivalent to \$2,850,000 for FY 2000. However, CalTrans is moving forward with the SR-905 project at an accelerated pace, and may require the City's funds by Fiscal Year 1999 or 2000. Because of the



accelerated date of need for the City's \$4,000,000 contribution, Council will need to take one or more of the following actions at the time the funds are needed: Deferring currently-programmed Otay Mesa DIF projects;  
Deferring CIP projects;  
Seeking additional regional funding; and/or  
Seeking additional developer contributions.

Today's action is to enter into a Cooperative Agreement with the State of California to specify the obligations of both the State and the City for the SR-905 project. By entering into this agreement, the City will indicate to the CTC that the City fully intends to fund its \$4,000,000 share of the project, thereby allowing the CTC to release its funds. Actual allocation of the funds will be brought to the Council as a separate action at an undetermined future date.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A389-B120.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-S504:

SUBJECT: Funding for State Route 56.

(North City Future Urbanizing Area, Carmel Valley and  
Rancho Penasquitos Community Areas. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1346) ADOPTED AS RESOLUTION R-290173

Assuring the California Transportation Commission that funding in the amount of \$9,568,000 is in the City of San Diego's Capital Improvement Program in CIP-52-463.0 (State Route 56 - Carmel Valley to Rancho Penasquitos), for the construction of State Route 56.

CITY MANAGER SUPPORTING INFORMATION:

Completion of State Route 56 through the North City Future Urbanizing Area (NCFUA) between the communities of Carmel Valley and Rancho Penasquitos will require funding from a number of sources. In order for the California Transportation Commission (CTC) to release \$47,500,000 in State funds for this project, the City and the County must verify their financial commitment for the project. To date, the City of San Diego, the County of San Diego, TransNet, private developer contributions, and other sources have contributed or have programmed a total of \$42,800,197. The City's contributions total \$9,568,000, including \$2,400,000 in TransNet Bonds, \$600,000 in Gas Tax funds, \$799,197 in Local TransNet funds, \$3,720,000 from the Rancho Penasquitos FBA, and \$2,048,803 in DIF funds from the FUA. In addition, \$3 million has been allocated from the Carmel Valley FBA, \$6.2 million from developers in Carmel Valley, \$6.2 million and right-of-way acquisitions have been contributed by the Rancho Penasquitos community, and \$28 million has been committed by developers in the NCFUA. Adoption of this resolution will assure the CTC that City of San Diego funds will be available in CIP-52-463.0 (State Route 56 - Carmel Valley to Rancho Penasquitos) for the purpose of constructing State Route 56, and will therefore allow the CTC to release the State funds for the project. If the \$2.1 million in DIF funds is not available at time of need, Council will need to take one or more of the following actions:

- Deferring currently-programmed DIF projects;
- Deferring CIP projects;
- Seeking additional regional funding; and/or
- Seeking additional developer contributions.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A389-B120.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:  
NONE.

ITEM-CS-1: (R-98-1373) ADOPTED AS RESOLUTION R-290174

A Resolution adopted by the City Council in Closed Session  
on May 26, 1998:

Authorizing the City Manager to pay the sum of \$525,000 in  
the settlement of each and every claim against The City of  
San Diego, its agents and employees, in Fourth District  
Court of Appeal Case No. D024864, Landex Construction  
Corporation v City of San Diego, resulting in payment of  
judgment from verdict released of the jury trial and  
attorney fees, reduced and remanded by the Court of Appeals;  
authorizing the City Auditor and Comptroller to issue one  
check in the amount of \$525,000 made payable to Marks &  
Golia Client Trust Account, in full settlement of all  
claims; that the expenditure of an amount not to exceed  
\$525,000.00 from Program 777210, the Sewer Reserve Fund  
Unallocated Reserve, transfer to CIP 46-086-0, the Point  
Loma Waste Water Treatment Plant Expansion, is hereby  
authorized to constitute the final payment of the portion of  
the jury verdict and judgment including attorney fees  
reduced and remanded by the Court of Appeals.

Aud. Cert. 9801321

FILE LOCATION: MEET

ITEM-CS-2: (R-98-1345) ADOPTED AS RESOLUTION R-290175

A Resolution adopted by the City Council in Closed Session  
on May 26, 1998:

Authorizing the City Manager to pay the sum of \$198,500 in the settlement of each and every claim against The City of San Diego, its agents and employees, resulting from the personal injury and property damage to Janeth Carrillo, et al, as a result of an incident which occurred on May 18, 1996; authorizing the City Auditor and Comptroller to issue four checks in the following manner: 1)one check in the amount of \$5,000 make payable to Jimmie Lee Robinson and his attorney of record, James Conway; 2)one check in the amount of \$18,500 make payable to Brandon Cannon and his attorney of record, James Conway; 3)one check in the amount of \$40,000 make payable to Eric Valesquez and his attorney of record Gowdey & Debenedetto and 4)one check in the amount of \$135,000 make payable to Jaime and Rosa Carrillo and the Estate of Janeth Carrillo and their attorneys of record Gowdey & Debenedetto.

Aud. Cert. 9801318

FILE LOCATION: MEET

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 4:07 p.m. in honor of the memory of Mary Maschal as requested by Mayor Golding.

**Minutes of the Council of the City of San Diego  
for the Regular Meeting of Tuesday, May 26, 1998**

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FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: F339-354).